

VOL. I
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04CV11557

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JOSEPH BOOK,

Plaintiff

VS.

DEPARTMENT OF STATE POLICE,
COMMONWEALTH OF MASSACHUSETTS,
STATE TROOPER KURT M. FERRAZZANI,
STATE TROOPER SMITH, STATE
TROOPER MCKENZIE, AND STATE
TROOPER HENNIGAN,

Defendants

* * * * *

Deposition of KURT M. FERRAZZANI, a witness
called by counsel for the Plaintiff, pursuant to the
applicable rules, before Lorreen Hollingsworth,
CSR/RPR, CSR NO. 114793, and Notary Public in and for
the Commonwealth of Massachusetts, at the Offices of
Hinckley, Allen & Snyder, 28 State Street, Boston,
Massachusetts, on Friday, September 15, 2006, at
10:35 a.m.

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<p>1 A Yes.</p> <p>2 Q Anything else?</p> <p>3 A All the witnesses.</p> <p>4 Q Which witness?</p> <p>5 A All of them.</p> <p>6 Q Anything else?</p> <p>7 A No.</p> <p>8 Q And what was Mr. Book doing to endanger</p> <p>9 when he was operating?</p> <p>10 A He was pushing a motorcycle, driving over</p> <p>11 somebody. That's endanger -- in my --</p> <p>12 that's endangering.</p> <p>13 Q Did the motorcycle cut in front of</p> <p>14 Mr. Book?</p> <p>15 A No.</p> <p>16 Q And what do you base that statement on?</p> <p>17 A All the witnesses. I did not have a</p> <p>18 witness that told me, These motorcycles</p> <p>19 came up on the side of him and cut him off.</p> <p>20 Q Did you ask that question of any witness?</p> <p>21 A No one said that, no.</p> <p>22 Q Did you ask that question of any witness?</p> <p>23 A No, I just asked them what happened.</p> <p>24 Q Following too close. What facts did you</p>	<p>1 Q Okay. How far ahead was the -- how far in</p> <p>2 front of Mr. Book's car was the motorcycle</p> <p>3 when it came to a stop?</p> <p>4 A The motorcycle was underneath the car when</p> <p>5 it came to a stop.</p> <p>6 Q Before the accident, how far in front of</p> <p>7 Mr. Book's car was the motorcycle?</p> <p>8 A I don't know. I wasn't at the scene before</p> <p>9 the accident.</p> <p>10 Q Is that a relevant consideration?</p> <p>11 A I can't answer if I wasn't there.</p> <p>12 Q Do you know what happened before Mr. Book's</p> <p>13 car came in contact with the motorcycle?</p> <p>14 A From witness statements.</p> <p>15 Q Can you tell me in your own words before</p> <p>16 there was any contact between Mr. Rizzuti's</p> <p>17 car (sic) and Mr. Book's car what happened?</p> <p>18 A Don't know.</p> <p>19 Q Did you ask Mr. Brook where the motorcycles</p> <p>20 were before the first contact was made?</p> <p>21 A Yes.</p> <p>22 Q And what did he say?</p> <p>23 A He didn't know. He doesn't even know how</p> <p>24 the accident occurred.</p>
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<p>1 rely on?</p> <p>2 A Well, Mr. Book had a motorcycle underneath</p> <p>3 the front of his car. I assume that he was</p> <p>4 a little close to it. He was underneath</p> <p>5 the front end of his vehicle, so that's too</p> <p>6 close.</p> <p>7 Q Any other facts?</p> <p>8 A Care in stopping.</p> <p>9 Q I'm sorry, following too closely, any other</p> <p>10 facts that you relied on?</p> <p>11 A No.</p> <p>12 Q Based on the fact that Mr. Rizzuti was</p> <p>13 pinned under the car, you reached the</p> <p>14 assumption that Mr. Book was following too</p> <p>15 close behind him?</p> <p>16 A That's correct.</p> <p>17 Q Care in stopping -- any facts?</p> <p>18 A Yes.</p> <p>19 Q What facts?</p> <p>20 A If he stopped in time, he wouldn't have hit</p> <p>21 the vehicle.</p> <p>22 Q Okay. At what point should he have</p> <p>23 stopped?</p> <p>24 A Before he hit the motorcycle.</p>	<p>1 Q Can you state with any certainty, as you</p> <p>2 sit here today, that the motorcycles were</p> <p>3 not swerving in and out of traffic?</p> <p>4 A Yes.</p> <p>5 Q Based on what?</p> <p>6 A The witness statements.</p> <p>7 Q Anything else?</p> <p>8 A No.</p> <p>9 Q When did you first tell Mr. Book that he</p> <p>10 was going to be charged with the three</p> <p>11 offenses: Operating to endanger, following</p> <p>12 too close, and care in stopping?</p> <p>13 A When I went to his house that evening.</p> <p>14 Q That evening?</p> <p>15 A Yes.</p> <p>16 Q So were you the one who dropped Mr. Book</p> <p>17 off at his house?</p> <p>18 A No.</p> <p>19 Q Who did that?</p> <p>20 A I believe it was Trooper McKenzie.</p> <p>21 Q Then you drove back to his house?</p> <p>22 A I did.</p> <p>23 Q And did you have any discussion with</p> <p>24 Mr. Book again that evening?</p>